

Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

§2–505.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(b) A violation of this section is homicide by motor vehicle or vessel while impaired by drugs.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, or §3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

[\[Previous\]](#)[\[Next\]](#)